

United States District Court
Western District of Wisconsin

Todd Sievert

Case no: 08 C 263

Plaintiff,

-vs-

Federal Credit Corp., et al.
Defendants.

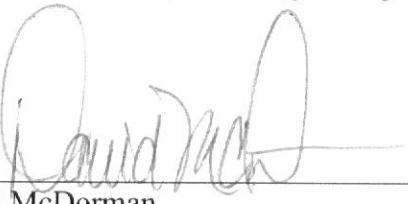
Stipulation and Order Resolving Statutory and Actual Damages

The parties by their undersigned counsel hereby stipulate and agree that the above matter be resolved as to statutory damages, actual damages, and all other damages, but reserving a determination as to costs and attorneys fees, as follows:

1. Defendants shall pay to plaintiff Todd Sievert the sum of \$4,000, to be paid at the rate of \$400 monthly beginning with the first payment on Auigust 15, 2009 and in monthly payments on the fifteenth of each month thereafter until fully paid. Payments shall be made by the defendants to the "Krekeler Strother, S.C. Client Trust Account" and shall be mailed to Krekeler Strother, S.C., ATTN: Atty. Pagel, 15 N. Pinckney Street, Suite 200, Madison, WI 53703. A payment postmarked on or before the 15th of the month is considered timely.
2. It shall be a default of this settlement agreement if the defendants miss a payment or make a payment more than 15 days' late, the timing of said payments to be determined by the postmark on the envelope mailing them, or proof of delivery if sent by other than U.S. Mail. Any other action by defendants or plaintiff which materially breaches this stipulation is also a default.
3. In the event of a default, Plaintiff shall be entitled to apply to the Court for entry of a Money Judgment in the amount of \$6,000, less any and all payments actually made by the Defendants which shall be established in the application therefore and the Plaintiff shall have any and all rights available to a party for enforcement of a settlement and agreement, and shall in particular without limitation by express enumeration have the right to transcribe or docket the judgment in the Circuit Court for Dane County. Defendants hereby consent to the personal and subject matter jurisdiction of the Dane County Court and waive any and all objections or other defenses they would otherwise have to such transcription and docketing. Plaintiff may apply for an order for judgment or otherwise transcribe or docket the judgment on an *ex parte* basis by filing with this Court and the Dane County Court any documents which are necessary to do so. The amount of the judgment to be docketed or transcribed shall be \$6,000 less any payments

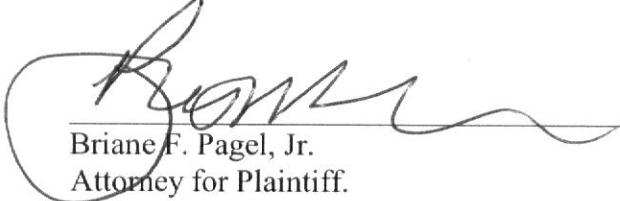
which were made by the defendant hereunder, together with any additional fees which are awarded hereunder.

4. In addition to the remedies Sievert has under paragraph 3, Sievert shall, in the event that further enforcement or collection action is needed to enforce the Judgment, be entitled to apply to this Court or the Circuit Court for Dane County for an additional award of attorney's fees incurred in enforcing or collecting the judgment, said fees being expressly awardable under this stipulation and said fees to be in addition to any fees which were previously paid to or awarded to Sievert in this matter.
5. This stipulation does not include any award of costs or attorney's fees to Sievert. The parties agree that they shall work together to agree on an amount of costs and attorneys fees to be awarded and payment of the same, and if they cannot do so Sievert shall be entitled to apply to the Court for an award of fees, with defendants preserving all objections they have to said award.



David McDorman
Attorney for Defendants

Dated: 8/6/09



Briane F. Pagel, Jr.
Attorney for Plaintiff.

Dated: 8/10/09

ORDER

Based on the foregoing, the Court approves the stipulation in its entirety and Orders that:

1. The issues of liability, statutory damages, actual damages and any other damages awardable to the Plaintiff are hereby resolved, pursuant to the terms of this stipulation and pending the payments provided for hereinabove, and this Court retains jurisdiction for the purpose of entertaining an application for Entry of Judgment against the Defendants, jointly and severally, in the event of a default, and for such other fees and costs as may be incurred in the enforcement of such stipulation.
2. This Stipulation does not resolve the issues of costs and attorney's fees awardable to the Plaintiff and against the Defendants in this matter. The parties shall notify

the Court of any stipulation they have regarding attorney's fees. If the parties have not reached a Stipulation regarding costs and fees within the next ~~30~~ days, Plaintiff ~~may~~ file a motion for an award of fees supported by an affidavit in the usual form and Defendants shall have ~~20~~ ^{ten (10)} days to file a response to said motion. Plaintiff shall then file a reply to that response no later than ~~10~~ days after the filing of defendants' response ~~with any hearing on said motion to be determined by the Court.~~

(5) have five days in which to

IT IS SO ORDERED.

Barbara B. Crabb
The Hon. Barbara Crabb, Judge

Dated: August 11, 2009